

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, November 20, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, November 20, 2003, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Willie E. Hampton
Arthur Blackwell, II **(ABS)**
Erminia Ramirez
Edgar L. Vann, Jr.
Megan P. Norris

Department Personnel Present

Chief Ella Bully-Cummings
AC Harold Cureton
AC Walter E. Shoulders
DC Gary Christian
DC Willie Burden
DC Tara Dunlap
Cmdr. Richard Shelby
Cmdr. John Danclovic
Insp. Jamie Fields
Insp. John O'Neill
Insp. Martin
Lt. Rhonda Tillman
Sgt. Shonte
Sgt. Debbie Jackson
Sgt. Ramona Bennett
PO E. Jarmons
PO J. Womble
PO Barnett
PO Irvette Reed
PO J. Watson
Atty. Nancy Ninowski
Rev. David Murray

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supv. Investigator
Arnold Sheard, Interim Chief Investigator
Stephan Thompson, Sr. Police Commission
E. Lynise Bryant-Weekes, Personnel Director

RECORDERS

Jerome Adams
Felicia Hardaway
Kellie Williams

OTHERS PRESENT

Ms. Walters
Ron Scott, D.C.A.P.B
Diane Bukowski, Michigan Citizen
Rick Jones, City Council Office
Ben Schmitt
Gloria Canales, City Council Office
Bonnie Mitchell, D.C.A.P.B
Arnetta Grable
Atty. Thomas Zulch, DPOA
Larisa Williams
Lynette Williams
Jamila Simba

1. CALL TO ORDER

Comm. called the regular meeting of the Detroit Board of Police Commissioners to order at 3:10 p.m.

2. APPROVAL OF MINUTES

• **Thursday, November 13, 2003**

MOTION: Commissioner Vann made the motion to adopt the Resolution.

SECOND: Commissioner Norris seconded the motion.

VOTE: All in attendance voted in the affirmative.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

There was no Report from the Chair.

4. SECRETARY REPORT – EX. DIR. GOSS

On November 20, 2003, **Police Officer Hubert Brown**, Badge 40, assigned to the Gang Enforcement Section, was suspended **without pay** by Chief of Police Ella M. Bully-Cummings.

On or about April 29, 2000, the Internal Affairs Section received a complaint regarding an allegation of misconduct on the part of Detroit Police Officers. More specifically, the complaint alleged that Detroit Police Officers conducted illegal searches, planted narcotics and firearms on individuals, converted money and property belonging to citizens to their own use, and testified in court under oath less than truthfully regarding same. A joint investigation was initiated between the Detroit Police Department and the Federal Bureau of Investigation, which revealed the following:

- That on May 2, 2000, Police Officer Hubert Brown, badge 40, assigned to the Gang Enforcement Section, did illegally enter a residence located within the City of Detroit. And, while therein, did or did participate in: place narcotics on an individual, falsely arrest an individual, falsify the factual basis of the Preliminary Complaint Record concerning same, and testify in a court of law under oath less than truthfully regarding the incident.

On October 30, 2003, Officer Brown was indicted by the Federal Grand Jury for the Eastern District of Michigan on charges of Conspiracy Against Rights and Deprivation of Rights Under Color of Law. On November 14, 2003, Officer Brown appeared before the Honorable Avern Cohn on the charges. He pled guilty to violating Title 18 of the United States Code, Section 242, (Deprivation of Rights Under Color of Law), which is a misdemeanor punishable by one year in federal prison and/or a fine.

Based on the above circumstances, it is recommended that Officer Brown be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF DETROIT POLICE DEPARTMENT RULES AND REGULATIONS SECTION 102.3-5.7 (3).

Atty. Zulch stated it is true that Officer Brown did accept this plea agreement as stated, however please consider the following information in whether the suspension could be contravened of these charges. This misdemeanor is dated, it is a one year penalty. The department has known for several months of the incident. Officer Brown came forward with his information. The department has allowed him to continue to work until just the other day until he was suspended. In addition, my understanding is that the lead FBI agent in this matter and the Asst. Federal Prosecutor tried to convince their bosses that no charges should be brought against Officer Brown. The plea agreement has really changed as to

what the department has known for the past several months and I don't believe he should lose his pay at this time.

Atty. Ninowski stated this is the department's position to suspend Officer Brown's duty status without pay. The question before you is whether or not the conduct is egregious such that a suspension without pay is warranted. The Department's position is yes it is and a suspension without pay is warranted. If you look at the facts that are presented in the petition, Officer Brown did participate in the illegal entry of a dwelling within the City of Detroit, falsified a preliminary complaint report, falsely arrested an individual, planted narcotics on a individual and testified under oath less than truthfully in a court of law. Certainly, that conduct would rise to the level of warranting a suspension without pay when you get to the issue of trust and the public's trust to perform his function. Recently, in the Nine House arbitration decision, which we received yesterday from Umpire Alexander. She indicated that, "That justification for suspension without pay does not require or relies solely upon bringing of either criminal charges or the conviction of an officer either for a felony or a high misdemeanor." In continuing with that analysis Umpire Alexander has indicated that the test for suspension without pay is not the same as a test for suspension with discipline, I think we have learned that over the last couple of years. The test is whether the interest of the public and the department, the officer cannot be retained at genuine police work. It boils down to an issue of trust. The department would respectfully request that you uphold the Chief's decision to suspend the duty status of Officer Brown without pay.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

On November 20, 2003, **Police Officer John Purry**, Badge 4547, assigned to the Ninth Precinct, was suspended without pay by Chief of Police Ella M. Bully-Cummings.

On November 6, 2003, the Professional Accountability Bureau, Internal Affairs Section received information concerning an allegation of misconduct on the part of Police Officer John Purry, badge 4547, assigned to the Ninth Precinct. More specifically, it was alleged that Officer Purry did offer and/or accept property valued at \$1,000.00 in exchange for dismissing a felony court case against a criminal defendant. Internal Affairs initiated an investigation into the facts and circumstances surrounding the allegation, which revealed the following:

On April 26, 2003, Officer Purry arrested an individual (hereinafter defendant) for Carrying a Concealed Weapon in violation of MCL 750.227, which is a felony punishable by five years in prison. Sometime after the arrest, Officer

Purry approached the defendant and stated: "What can you give me not to show up in court?" At that point, an agreement was reached wherein the defendant would provide Officer Purry with four wheel rims in exchange for Officer Purry's failure to appear in court on the hearing date for the Carrying a Concealed Weapon charge. Officer Purry then provided the defendant with his cellular telephone number.

The defendant contacted Officer Purry in September 2003, to advise him that he had four wheel rims at his home, located in the City of Detroit. Officer Purry arrived at the defendant's home whereupon Officer Purry and the defendant, along with friends of the defendant, transported the four wheel rims to Officer Purry's mothers home and stored them behind the garage.

November 6, 2003, was the date scheduled for the hearing on the defendant's Carrying a Concealed Weapon charge. The defendant arrived at Wayne County Circuit Court and observed that Officer Purry was present. The defendant then contacted Officer Purry on his cellular telephone and asked Officer Purry why he appeared in court. Officer Purry responded: "I didn't think that it would go this far, I thought that it was going to be held in the 36th District Court. If you want your rims back, they are in my garage, or I can cash you out." Unbeknownst to Officer Purry, the defendant taped recorded the conversation.

On November 7, 2003, a search warrant was executed at the location where the four wheel rims were transported, which is the same address Officer Purry provided the Department with as his home address. The four wheel rims were not located during the course of the search. It was determined, however, that Officer Purry no longer resides at that address.

Officer Purry appeared at the Professional Accountability Bureau for a Garrity interview, wherein he admitted to all of the foregoing with two exceptions; he alleged that he paid the defendant \$750.00 for the four wheel rims, which he subsequently sold for \$500.00, and that he did not agree to dismiss the criminal case for the defendant.

Based on the above circumstances, it is recommended that Officer Purry be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF DETROIT POLICE DEPARTMENT RULES AND REGULATIONS DIRECTIVES 102.3-5.7 (3).

Atty. Zulch stated the facts are really in dispute when it comes down to an issue of creditability. We had an officer that did appear in court as he was scheduled to

due. There was no dismissal of this gentleman's case. He should be exonerated to have a hearing to determine who is telling the truth and what is the underlined facts of these case.

Comm. Norris asked is there a tape?

Atty. Zulch stated I have no idea. I assume there must be a tape, but to as who is on the tape and who is not on the tape would come into question. Again, that is something that should be handled through a hearing and he should be continued with pay.

Atty. Ninowski stated this is the Department's petition requesting a suspension of Officer Purry's status without pay. The question is whether his conduct was egregious. Certainly, the department's position is that it is egregious. I will not go through the facts with you again because they are very detailed factual accounts in our petition. Based on that and the analysis, the issue of trust rises again. This officer has not only violated the public trust and the Department's trust in him to perform his law enforcement functions, but he has his violated the oath of honor, the oath that he swore to uphold in prosecuting individuals and he certainly attempted to circumvent the criminal justice system. For all of those reasons, we request that the suspension without pay be upheld.

Comm. Norris asked at what stage of the proceedings does the union or the officer's representative get to find out what evidence the department has? Is that before the Trial Board or at the Trial Board?

Atty. Ninowski stated when a Trial Board hearing is scheduled, the opposing counsel will forward a discovery request to our office and then we will provide them with the materials.

Comm. Norris asked so that does not happen until there has been an actual discipline taken by the department and an appeal of that?

Atty. Ninowski stated yes. I am not saying that it would never, if they contacted me and asked me if they could listen to any information like they have before. For example, if they want to view a videotape, I would certainly allow them to do so.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

Office Closing

The Board of Police Commissioners Office and the Office of the Chief Investigator will be closed on Thursday, November 25, 2003 and Friday, November 26, 2003,

in observance of Thanksgiving Day. Regular office hours will resume on Monday, December 1, 2003.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	22	1,155
Weekly Count of Allegations:	35	2,518
Arrest	1	103
Demeanor	12	717
Entry	0	53
Force	5	222
Harassment	3	88
Procedure	9	912
Property	0	129
Search	0	94
Service	5	198

Pending Cases

As of November 19, 2003, the Office of the Chief Investigator (OCI) has a total of **642 pending cases**, which include **146 cases** with an age of 0-45 days, **35 cases** with an age of 46-60 days, **85 cases** with an age of 61-90 days, and **106 cases** with an age of 91-120 days, **170 cases** with an age of 121 days – 6 months, **82 cases** with an age of 7-9 months, and **18 cases** with an age of 10-12 months.

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During the past week:	27	Year to Date:	1,014
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5. CHIEF'S REPORT

Chief Bully-Cummings stated yesterday the Department along with people from the Drug Enforcement Administration announced the results of a successful yearlong investigation using the Mobile Enforcement Team (M.E.T.), which has to be requested, which under the leadership of then Deputy Chief Harold Cureton. We did reach out and ask for their assistance and it did culminated in over 30 individuals of 5.5 million dollars in narcotics and narcotic proceeds and 25 firearms. She also thanked the members of the Department and the other agencies that participated in that endeavor.

Comm. Vann stated that is very admirable work. He asked what other collaborative relationships does the department have with other agencies as will as drug enforcement?

Chief Bully-Cummings stated we have a number of initiatives with various federal agencies and other police agencies, like the Wayne County Sheriff's Department. It is important because one agency standing alone does not have all of the resources and crime does not stay within ones border, it crosses boundaries. The only way to attack it globally is to make sure that we can collaborate and partner with other law enforcement agencies that have the ability to bring resources that we don't have at our disposal.

DETROIT POLICE DEPARTMENT

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of November 12 - 18, 2003:

ORGANIZED CRIME AND GANG DIVISION

Conspiracy Intelligence Section – conducted three enforcement actions in the following areas: 1660 block of Pingree, Livernois and Tyler, Schaefer and Plymouth, in the City of Detroit. These enforcement actions resulted in the following confiscations:

171.5 grams of cocaine, 4.4 grams of heroin - street value \$76,520.00

Narcotics Enforcement Section – conducted one enforcement action in the 300 block of Melbourne, in the City of Detroit. This enforcement action resulted in the following arrests and confiscations:

2 felony arrests

2 misdemeanor arrests

37.5 grams of cocaine, 4 grams of marijuana – street value \$15,008.00

\$75.00 in U.S. currency

FOURTH PRECINCT

On November 16, 2003, officers of the 4th Precinct received a police run to

the 5400 block of Panama, on "A Person Shot." The investigation revealed that several shots were fired from a vehicle, striking two complainants. Both were conveyed to Henry Ford Hospital, where one complainant was pronounced dead on arrival and the other listed in temporary serious condition. Due to the Fourth Precinct officers' keen observations, the wanted subject was arrested; recovered from the vehicle was a 9mm blue steel revolver. The subject was charged with "Murder I, Assault With Intent to Murder, and Felony Firearm."

COMMERCIAL AUTO THEFT UNIT (C.A.T.U.)

The C.A.T.U. received information regarding a false carjacking report being made in the 5th Precinct. In addition, the subject was arranging to sell the vehicle and file a claim with her insurance agent. Officers of C.A.T.U. arranged for an undercover purchase of the vehicle, which was hidden in the garage in the 1400 block of Coplin, for \$500.00. On November 14, 2003, the subject was arrested for "Insurance Fraud and False Felony Report."

REPEAT OFFENDERS PROGRAM

On January 7, 2003, a 47 year-old male was fatally shot in the 15000 block of Freeland, in the City of Detroit. Due to an intense investigation, surveillance and the use of a Global Positioning Satellite tracking device, the Violent Crime Task Force, Repeat Offenders Program, identified the location of the wanted subject. On November 14, 2003, the subject was arrested in the 15000 block of Leisure for "Murder, Felony Firearm and Habitual Offender."

TACTICAL SERVICES SECTION (T.S.S.) CANINE UNIT

On November 15, 2003, a T.S.S. Canine Unit assisted the 13th Precinct at Sterling and Holden to track a subject who had fled from a stolen vehicle. The wanted subject was arrested hiding under a porch in the 6100 block of Commonwealth.

On November 18, 2003, a T.S.S. Canine Unit searched for a subject wanted in connection with an armed robbery/shooting at South Fort and Outer Drive, within the City of Lincoln Park. The subject fled on foot across the border into Detroit. The Canine Unit tracked the subject to the 3200 block of Edsel, where he was arrested and conveyed to the Lincoln Park Police Department.

Chief of Police Ella M. Bully-Cummings

6. PRESENTATION – EMERGENCY SERVICES DIVISION

DC Gloria Reynolds from the Science and Technology Bureau gave a presentation on the Bureau of Justice Assistance Grant 8 for the DPD's wireless network.

(See Attached)

Questions & Answers

Comm. Vann asked does that include GPS?

DC Reynolds stated not on the handheld. The GPS is part of our wireless deployment. The scout cars that have a mobile vision computer also have a GPS chip. That won't become active until we deploy the new CAD system, which would probably be by next summer.

Comm. Vann asked could you explain how the consent decree relates to this presentation?

DC Reynolds stated most of the technology that we deploy allows us to comply more easily with the consent decree requirements for collection of data. One of the things that we are working with our management system vendor is to automate the activity log.

Comm. Ramirez asked do you have a Hazmat manual in place?

DC Reynolds stated all of the systems that are being deployed all have the Hazmat manual, the DPD Manual and the mapping systems that will also be available to officers that have a handheld.

7. DISCIPLINARY APPEALS

In the Matter of Disciplinary Appeal, **Police Officer Michael McCartha, BPC_03-006D**, D.P.O.A. Attorney Thomas Zulch represented the petitioner, Attorney Nancy Ninowski, City Law Department represented the Department. The Appeals Subcommittee took the matter under advertisement.

Atty. Zulch requested to withdraw the appeal petition.

In the Matter of Disciplinary Appeal, **Police Officer Louis White, BPC 03-007D**, D.P.O.A. Attorney Thomas Zulch represented the petitioner, Attorney Nancy Ninowski, City Law Department represented the Department. The Appeals Subcommittee took the matter under advertisement.

In the Matter of Disciplinary Appeal, **Police Officer Mark Roll, BPC 03-008D**,

D.P.O.A. Attorney Thomas Zulch represented the petitioner, Attorney Nancy Ninowski, City Law Department represented the Department. The Appeals Subcommittee took the matter under advertisement.

8. OTHER BUSINESS

Comm. Norris stated that on behalf of the Board I attended the Monitor meeting yesterday, with representatives from the Department and the Department of Justice. The monitor seemed pleased with the department's responsiveness and progress to date. The monitor did meet with representatives from our staff to go over some of the changes that were made, so we might receive some revisions very soon.

Secondly, Comm. Ramirez and I attended our mandatory training of the consent decree and the people that conducted the training were fantastic and the substance of the training was great. We did have a couple of concerns in regards to how things are being handled. Part of the training was to inform us of how information about the consent decree is being disseminated to the public and none of those ways included our meetings. That just seemed odd to me.

Finally, I would like to thank my fellow commissioners and some people from the Department who contributed to my walk I did last week. Everyone who walks is required to raise \$2,000, which is not an insufficient sum. The generosity of the DPD and the Police Commission is well known to the people I work for.

Comm. Vann stated

AC Bully-Cummings stated we will be putting together a process to ensure that we keep the community apprised. The Department of Justice will make sure that we are informing the community and getting their input.

Comm. Ramirez stated Lt. Hudson did a marvelous presentation. He did mention that he was ready for whatever takes to come to our community meetings to help disseminate the information to the community.

AC Bully Cummings stated I know that the Civil Rights Integrity Bureau has done a presentation at one of the city-wide community meeting.

Comm. Norris stated I know that there were 18 places that the presentation was given. The idea of how you can brainstorm and come up with 18 ways to communicate and not have us as be one of them, seems sort of blurry.

Chairperson Hampton stated the Board of Police Commissioners is looking at having a summit either in January or February. As it progress we will keep you informed. Hopefully this will be an educational summit.

9. ORAL COMMUNICATION FROM THE AUDIENCE

Ms. Walters I am very happy to hear that we are going to include the Detroit Board of Police Commissioners in these talks regarding the consent decree.

Aaron Parson voiced his concerns in regard to being arrested three times in the past five years by members of the Detroit Police Department.

Lisa Williams stated that she was attacked in front of 35 children on a playground by a Detroit police officer by the name of Charles Gregory. The trial was supposed to have went forward on the 17th, but it has been postponed.

Comm. Vann stated I remember this case very vividly. I know this case was brought to OCI, I am I correct?

Interim Chief Inv. Sheard stated I would have to check into that.

Lynette Williams asked for a copy of the police union's contract?

Demila Sumbi stated her son was murdered by a Detroit police officer and she received a settlement for his death, which is not enough to justify what happened.

Arnetta Grable voiced her concerns as to Eugene Brown being promoted to Sergeant after he has killed three (3) people and injured nine (9) people.

Chief Bully-Cummings stated under this administration, I will not tolerate or condone an officer that commits a violation of the law.

Arnetta Grable, Jr. stated she wants to know where will the children of the future be, if officers keep killing the citizens of Detroit.

Rosetta Quarter voiced her concern as to Eugene Brown being promoted and stated that his shootings are not justified.

Bonnie Mitchell stated the Detroit Coalition Against Police Brutality will be pushing a petition for human rights, civil rights and justice. We also demand that criminal charges be brought against DPD officers who have broken the oath and department procedures by using lethal force. With the petition we will also attempt to remove current governmental officials from office under this administration that now fits. We will also petition that on the next 2004-election ballot that the Detroit Chief of Police and the Board of Police Commissioners be elected by the citizens.

10. ANNOUNCEMENT OF NEXT MEETING

Tuesday, November 25, 2003 @ 3:00 p.m.
Police Headquarters – Rm. 328-A
1300 Beaubien
Detroit, Michigan 48226

11. ADJOURNMENT

Meeting was adjourned at 4:45 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw